



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number	July 16-120RZ/P
Case Type	Rezoning / Preliminary Plat
Project Name	Hatcher Farms

Applicant/Owner:	Danny Hatcher 1129 Chestnut Lane Liberty, MO 64068
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Request	Rezoning from Agricultural (AG) to Residential Rural (R-1) District for Lot 2 and Residential Ranchette (R-5) District for Lots 3 and 4. (<i>Withdrawn-June 29, 2016</i>) AND Preliminary Plat approval of the <u>Hatcher Farms</u> (<i>Withdrawn for Lots 3 and 4</i>)
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Application Submittal	2016-06-10
Public Notice Published	2016-06-23
Neighbor Letters Sent	2016-06-24
Report Date	2016-07-06
Public Hearing Opened	2016-07-12

REPORT AUTHOR(S)	Debbie Viviano, Planner Kipp Jones, Planning and Zoning Manager
Recommendation	APPROVED with conditions



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General Information

Site Location: approximately SW corner of NE 144th St. & Nation Rd.
Section 4 | Township 52 | Range 31

Site Size: 40.1 ± acres

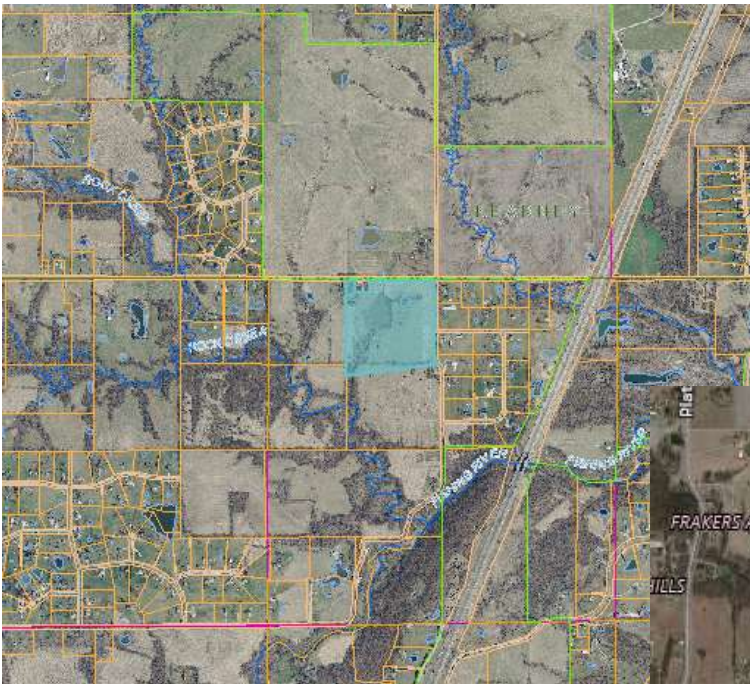
Existing Landuse & Zoning: Agricultural (AG)

Zoning/Platting History: None

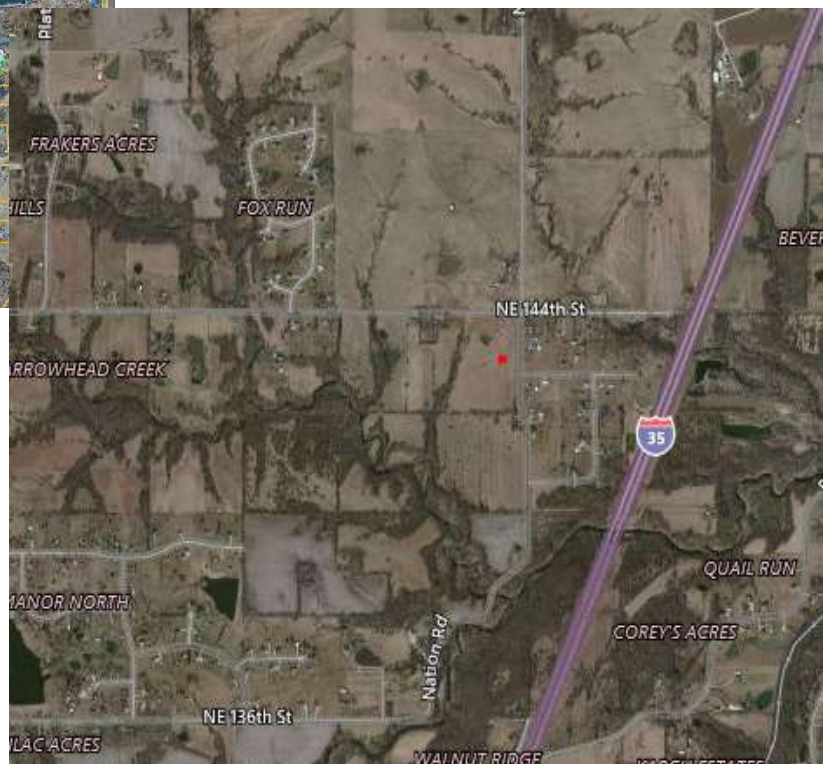
Surrounding Landuse & Zoning:

- North - City of Kearney, Fox Run Subdivision (R-1B), AG zoned land
- East - Wilkersons White Birch Estates (R-1), I-35, City of Kearney
- South - AG and R-1 zoned land
- West - AG and R-1 zoned land

Current Conditions:



Courtesy of Clay County Assessor GIS/Mapping



Courtesy Microsoft® Bing™



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Assessment

Danny Hatcher submitted a four (4) lot subdivision Hatcher Farms (24x36 version) with a **Rezoning** for proposed Lots 2-4 and **Preliminary Plat** (Lots 1-4) approval, **this version has been revised, and the rezoning requests for all the lots along with the subdividing of Lot 3 and 4 have been withdrawn.**

The current Hatcher Farms plat (11x17 version) is two (2) - 20± acre lots which are currently zoned Agricultural (AG) District and a **Preliminary Plat** located at approximately the southwest corner of NE 144th Street and Nation Road.

Mr. Hatcher would like to split the property into two (2) lots in order sell one of the lots.

2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the URBAN SERVICES TIER, as well as the 1-Mile Urban Coordination Sub-Tier where advise-and-consent should be solicited from the designated city.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1st) table shows the landuse tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy directed by the Plan.

Table 4.2 - Land Use Planning Tiers – Presented on the Planning Tier Map			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier* (Green)	Urban Services Tier* (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density; Rural Residential Density: low-density rural residential development: 1-dwelling unit per 20+ acres, or 1-farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. ⁽³⁾
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). AG, Agricultural zoning is appropriate until full range of urban services available.

⁽³⁾ On-site septic allowed for agricultural uses only.

* The **Planning Tier Map** notes a special designation of areas within one mile of each city: "1-Mile Urban Coordination Sub-Tier" where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



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Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts / phasing in of new regulations		
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 90% of the subdivided parcel is preserved, such as in an agriculture deed restriction.		Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
		Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.	
Other Exceptions	Farmstead** dwellings allowed on 5+acre parcels.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway; yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

** A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

On June 30th after speaking with the City of Kearney the proposed east division into three (3) lots did not support their current comprehensive plan. Shortly after, a new proposed plan was submitted. The City of Kearney responded with an email on July 6, 2016 stating "*The city's comprehensive plan supports more dense development in this area. The larger lots will make further development a more viable option in the future.*" The subject request complies with Option B of the 2008 Comprehensive Plan.

Character of the General Neighborhood

The city limits of the City of Kearney are to the north and east; also the Fox Run (R-1B) subdivision is to the north. Wilkersons White Birch Estates (R-1) subdivision is across Nation Road on the east of the property. To the south and west is Residential Low Density (R-1A) District zoned and AG zoned land. [See Attachment B].

Code Considerations

The rezoning application was properly noticed in the Kearney Courier on June 23, 2016. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter sent June 24, 2016.

The petitioner should fully address the five (5) rezoning criteria in the 2011 Land Development Code (LDC) which requires the following standards be met with a rezoning application (*Section 151-3.3 F*):

1. Whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area;
2. Whether or not the proposed amendment is consistent with the *Comprehensive Plan* and the stated purpose and intent of Sec. 151-1.7;
3. Whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property;
4. Whether or not the county and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development; and



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5. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, and natural resources.

Outside Agency Review

The Clay County Highway Department has noted driveways will be able to be placed, but a driveway on the south end of Nation Road due to the curve would be tight. Nation Road and NE 144th Street are both chip and seal surfacing.

The Clay County Public Health Center has given preliminary approval for Hatcher Farms.

Public Water Supply District #6 currently has a water main along Nation Road and NE 144th Street capable of serving water to both residential lots. The property lies within the Kearney Fire District.

Findings

The right of way dedication west of the center line for Nation Road is 30' this is not shown on the plat. The City of Kearney states: "*The comprehensive plan identifies NE 144th Street as a collector street and Nation Road as an arterial street. The City recommends right-of-way dedication for a 50' right-of-way along the west side of Nation Road.*" Dedication of right-of-way (ROW) either of the 30' or 50' will need to be shown on the final plat based on the Commission's Decision. (Sections 151-8.7J and L)

Road Impact Fees (RIF) are required for the proposed one (1) additional lot. The estimated total amount of RIF is \$2,062.50 and is subject to change at the time of payment based on the market price of material.

Recommendations

The request for **Rezoning** of Hatcher Farms was withdrawn by applicant/owner on June 29, 2016

Staff recommends the revised **Preliminary Plat** of two (2) lots for Hatcher Farms be **Approved**, with the following conditions as shown in Exhibit A:

Exhibit A

1. Road Impact Fees (RIF) agreement recorded and fees paid according to agreement at same time as the recording of the Final Plat.
2. The following corrections to the final plat:
 - a. CHANGE: Lot 2; Right-of-Way dedication shown as determined by Commission
 - b. ADDITION & CHANGE: Flood plain shown on Lot 1 in southwest corner, and Firm Map number changed to 29047C0135E

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Attachment B - Existing Conditions Map



County Commission adopted Zoning Map
on March 31, 2014
Resolution #: 2014-95

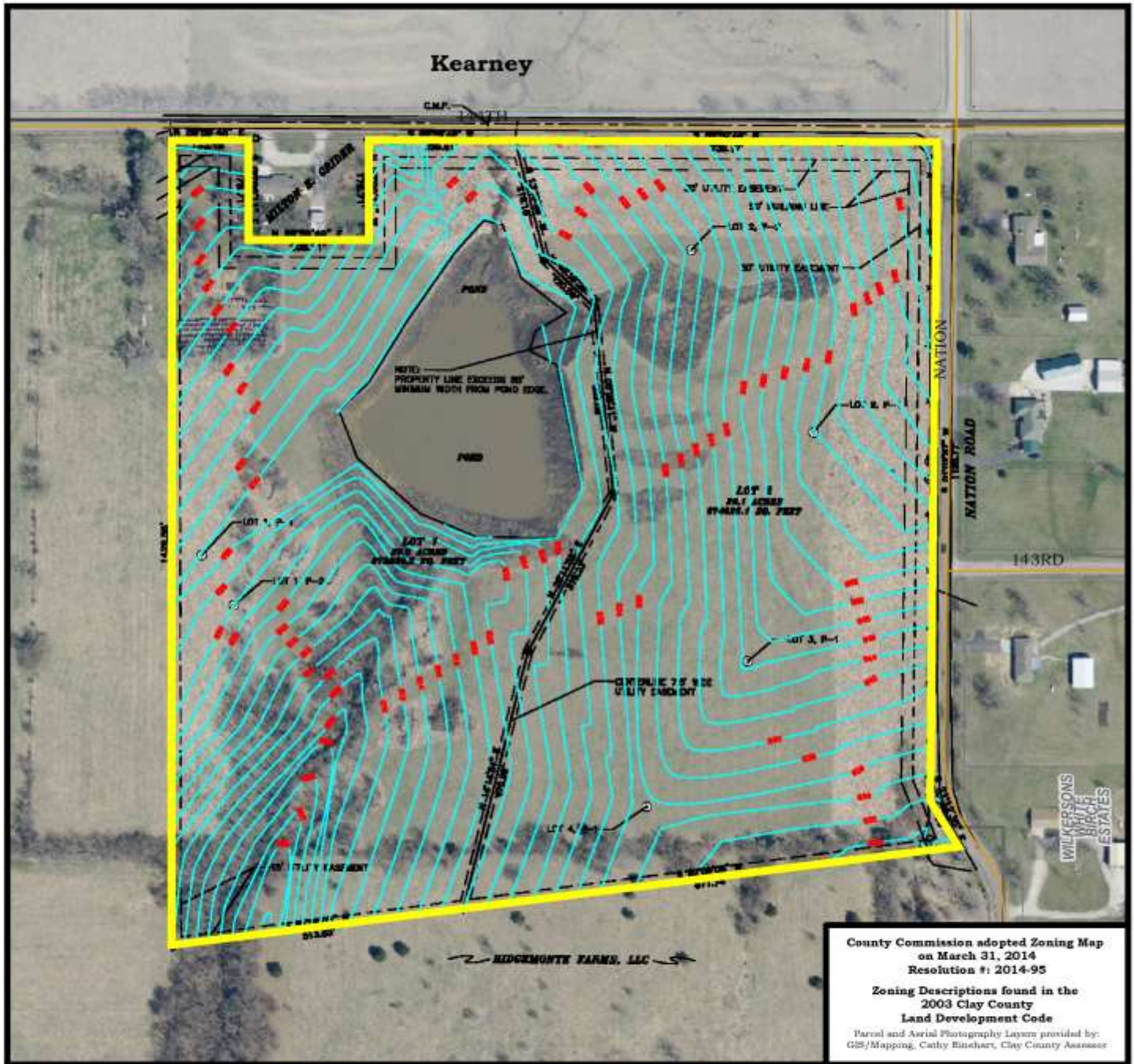
Zoning Descriptions found in the
2003 Clay County
Land Development Code

Parcel and Aerial Photography Layers provided by:
GIS/Mapping, Cathy Blackhart, Clay County Assessor



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Attachment C - Site Plan Map



Map Document: (K:\GIS\Project_Files\Vacinity Map - 8 x 11 Print) 07/05/2016 03:38:18 PM

Planning & Zoning Department

1 inch = 250 feet
1 inch = 0.05 miles

LEGEND

Property Line	Interstates	Subdivisions
Streams (EPA)	State Highways	2016 City Limits
Railroads	Local Roads	Parks
	Highway Ramps	County Boundaries